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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PUGET SOUNDKEEPER ALLIANCE,	)	
	)	
Plaintiff,	)	COMPLAINT
v.	)	
	)	
TOTAL TERMINALS	)	
INTERNATIONAL, LLC,	)	
	)	
Defendant.	)	
_____	)	

**I. INTRODUCTION**

1. This action is a citizen suit brought under Section 505 of the Clean Water Act (“CWA”) as amended, 33 U.S.C. § 1365. Plaintiff Puget Soundkeeper Alliance (“Soundkeeper”), seeks a declaratory judgment, injunctive relief, the imposition of civil penalties, and the award of costs, including attorneys’ and expert witness fees, for Defendant Total Terminals International, LLC’s (“TTI”) repeated and ongoing violations of “effluent standards and limitations” under 33 U.S.C. §1365, Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and the terms and conditions of the National Pollutant Discharge

COMPLAINT - 1

SMITH & LOWNEY, P.L.L.C.  
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1 Elimination System (“NPDES”) permit authorizing discharges of pollutants from TTI’s facility  
 2 to navigable waters.

## 3 II. JURISDICTION AND VENUE

4 2. The Court has subject matter jurisdiction under Section 505(a) of the CWA, 33  
 5 U.S.C. § 1365(a). The relief requested herein is authorized by 33 U.S.C. §§ 1319(d) and  
 6 1365(a).  
 7

8 3. In accordance with Section 505(b)(1)(A) of the CWA, 33 U.S.C. § 1365(b)(1)(A),  
 9 Soundkeeper notified TTI of TTI’s violations of the CWA and of Soundkeeper’s intent to sue  
 10 under the CWA by letter dated February 6, 2018 and postmarked February 7, 2018 (“Notice  
 11 Letter”). A copy of the Notice Letter is attached to this complaint as Exhibit 1. The allegations  
 12 in the Notice Letter are incorporated herein by this reference. In accordance with 33 U.S.C. §  
 13 1365(b)(1)(A) and 40 C.F.R. § 135.2(a)(1), Soundkeeper provided copies of the Notice Letter to  
 14 Defendant’s Registered Agent, the Administrator of the United States Environmental Protection  
 15 Agency (“USEPA”), the Administrator of USEPA Region 10, and the Director of the  
 16 Washington Department of Ecology (“WDOE”) by mailing copies to these individuals on  
 17 February 7, 2018.  
 18  
 19

20 4. At the time of the filing of this Complaint, more than sixty (60) days have passed  
 21 since the Notice Letter and copies thereof were issued in the manner described in the preceding  
 22 paragraph.  
 23

24 5. The violations complained of in the Notice Letter are continuing or are reasonably  
 25 likely to re-occur. TTI is in violation of its NPDES permit and the CWA.  
 26

27 6. At the time of the filing of this Complaint, neither the USEPA nor the WDOE has  
 28 commenced any action constituting diligent prosecution to redress these violations.  
 29

8. Plaintiff, Soundkeeper, is suing on behalf of itself and its member(s).

Soundkeeper is a non-profit corporation organized under the laws of the State of Washington.

Soundkeeper is a membership organization and has at least one member who is injured by TTI's violations. Soundkeeper is dedicated to protecting and preserving the Puget Sound by tracking down and stopping the discharge of toxic pollutants into its waters.

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1           10.     Soundkeeper has organizational standing to bring this action. Soundkeeper has  
2     been actively engaged in a variety of educational and advocacy efforts to improve water quality  
3     and to address sources of water quality degradation in the waters of western Washington,  
4     including Elliott Bay and/or the Puget Sound. TTI has failed to fulfill monitoring,  
5     recordkeeping, reporting and planning requirements, among others, necessary for compliance  
6     with its NPDES permit and the CWA. As a result, Soundkeeper is deprived of information  
7     necessary to properly serve its members by providing information and taking appropriate action  
8     to advance its mission. Soundkeeper's efforts to educate and advocate for greater environmental  
9     protection, and to ensure the success of environmental restoration projects implemented for the  
10    benefit of its members are also precluded. Finally, Soundkeeper and the public are deprived of  
11    information that influences members of the public to become members of Soundkeeper, thereby  
12    reducing Soundkeeper's membership numbers. Thus, Soundkeeper's organizational interests  
13    have been adversely affected by TTI's violations. These injuries are fairly traceable to TTI's  
14    violations and are redressable by the Court.

15           11.     TTI is a corporation authorized to conduct business under the laws of the State of  
16    Washington and is incorporated under the laws of the State of Delaware.

17           12.     TTI owns and operates a large marine cargo terminal used for ship unloading and  
18    cargo distribution located at or about 401 Alaskan Way S, Seattle, WA 98104 and contiguous  
19    and/or adjacent properties (the "facility").

#### 20                               **IV.     LEGAL BACKGROUND**

21           13.     Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of  
22    pollutants by any person, unless in compliance with the provisions of the CWA. Section 301(a)



1 prohibits, inter alia, such discharges not authorized by, or in violation of, the terms of a NPDES  
2 permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

3 14. The State of Washington has established a federally approved state NPDES  
4 program administered by the WDOE. Wash. Rev. Code § 90.48.260; Wash. Admin. Code ch.  
5 173-220. This program was approved by the Administrator of the USEPA pursuant to 33 U.S.C.  
6 § 1342(b).

7  
8 15. The WDOE has repeatedly issued the Industrial Stormwater General Permit  
9 (“Permit”) under Section 402(a) of the CWA, 33 U.S.C. § 1342(a), most recently on October 21,  
10 2009, effective January 1, 2010, modified May 16, 2012 (the “2010 Permit”), and on December  
11 3, 2014, effective January 2, 2015 (the “2015 Permit”). The 2010 Permit and the 2015 Permit  
12 (collectively, “the Permits”) contain substantially similar requirements and authorize those that  
13 obtain coverage thereunder to discharge stormwater associated with industrial activity, a  
14 pollutant under the CWA, and other pollutants contained in the stormwater to the waters of the  
15 State subject to certain terms and conditions.  
16  
17

18 16. The Permits impose certain terms and conditions on those covered thereby,  
19 including monitoring and sampling of discharges, reporting and recordkeeping requirements, as  
20 well as restrictions on the quality of stormwater discharges. To reduce and eliminate pollutant  
21 concentrations in stormwater discharges, the Permits require, among other things, that permittees  
22 develop and implement best management practices (“BMPs”) and a Stormwater Pollution  
23 Prevention Plan (“SWPPP”), and apply all known and reasonable methods of prevention,  
24 control, and treatment (“AKART”) to discharges. The specific terms and conditions of the  
25 Permits are described in detail in the Notice Letter. See Exhibit 1.  
26  
27  
28  
29

**V. FACTS**

17. TTI filed applications with the WDOE for coverage under the Permits. WDOE granted TTI coverage under the 2010 permit, effective January 1, 2010, under Permit Number WAR000465. WDOE granted TTI coverage under the 2015 Permit under the same permit number.

18. TTI's facility discharges stormwater associated with industrial activity to Elliott Bay, part of the Puget Sound.

19. TTI's facility is engaged in industrial activity and is approximately 82 acres, which are primarily paved. TTI's facility has miles of stormwater collection pipes and has at least eleven reported outfalls as well as numerous unreported outfalls from the facility's wharf that discharge stormwater and other pollutants to the Sitcum Waterway.

20. TTI has violated and continues to violate "effluent standards or limitations," as defined by 33 U.S.C. §1365(f), including conditions of the NPDES permit found at Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342. TTI's violations of the Permits and the CWA are set forth in sections I through VIII of the Notice Letter attached hereto as Exhibit 1 and are incorporated herein by this reference. In particular and among the other violations described in the Notice Letter, TTI has violated the Permits by contributing to violations of water and sediment quality standards, failing to implement AKART, failing to monitor discharges, failing to implement BMPs to control stormwater quality, failing to timely complete adaptive management responses required by the Permits, failing to timely submit complete and accurate reports, and failing to report permit violations.

21. TTI has discharged stormwater containing levels of pollutants that exceed the benchmark values established by the Permits, including on the days on which TTI collected

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samples with the results identified in Table 1 below, and is likely to continue discharging comparably unacceptable stormwater effluent:

**Table 1 – Benchmark Exceedances**

Quarter in which sample collected and monitoring location	Turbidity (Benchmark 25 NTU)	Copper Concentration (Benchmark 14 ug/L)	Zinc Concentration (Benchmark 117 ug/L)
1st Quarter 2013			
1*	<b>87</b>	<b>39</b>	<b>480</b>
2*			<b>180</b>
3*		<b>21</b>	<b>340</b>
2nd Quarter 2013			
1	<b>66</b>	<b>23</b>	<b>350</b>
2			
3	<b>31.8</b>	<b>24</b>	<b>470</b>
3rd Quarter 2013			
1		<b>27.9</b>	<b>340</b>
2	<b>118.8</b>	<b>29.45</b>	<b>530</b>
3		<b>16.8</b>	<b>300</b>
4th Quarter 2013			
1	<b>38.5</b>	<b>20</b>	<b>310</b>
2	<b>279</b>	<b>47</b>	<b>1040</b>
1st Quarter 2014			
1	<b>43.6</b>	<b>16</b>	<b>310</b>
2	<b>72.2</b>	<b>15</b>	<b>270</b>
2nd Quarter 2014			
1		<b>16</b>	<b>190</b>
2	<b>26.2</b>	<b>17</b>	<b>400</b>
3rd Quarter 2014			
2	<b>37.55</b>	<b>25.5</b>	<b>295</b>
4th Quarter 2014			
1			<b>160</b>
2	<b>28.4</b>		<b>220</b>
1st Quarter 2015			
1	<b>33.5</b>	<b>17</b>	<b>340</b>
2			<b>190</b>
2nd Quarter 2015			
4*		<b>141</b>	<b>1710</b>
3rd Quarter 2015			
2	<b>227</b>	<b>60</b>	<b>720</b>
4	<b>52.8</b>	<b>40</b>	<b>600</b>
4th Quarter 2015			
2			<b>185</b>

4	<b>106</b>	<b>41</b>	<b>500</b>
1st Quarter 2016			
1	<b>45.9</b>		<b>280</b>
2	<b>29.35</b>		<b>205</b>
4	<b>147</b>	<b>46</b>	<b>620</b>
2nd Quarter 2016			
1			<b>170</b>
2			<b>135</b>
4		<b>22.9</b>	<b>200</b>
3rd Quarter 2016			
1		<b>16</b>	<b>250</b>
2		<b>18.6</b>	<b>261.5</b>
4	<b>53.25</b>	<b>49.75</b>	<b>620</b>
4th Quarter 2016			
1			<b>176</b>
2			<b>216</b>
4		<b>18.4</b>	<b>279</b>
1st Quarter 2017			
1	<b>25.5</b>		<b>236.5</b>
2	<b>58</b>	<b>20.8</b>	<b>310</b>
4	<b>106</b>	<b>41.9</b>	<b>514</b>
2nd Quarter 2017			
1	<b>28</b>	<b>14.6</b>	<b>194</b>
2	<b>44</b>	<b>18.6</b>	<b>242</b>
4th Quarter 2017			
1			<b>217</b>
4	<b>72</b>	<b>42.7</b>	<b>455</b>

\*Key- 1, 2, 3, and 4 are TTI's designations for TTI's monitoring points

22. The stormwater samples identified in Table 1 are representative of and accurately characterize the quality of stormwater discharges generated by TTI's facility during the associate calendar quarter. The stormwater monitoring data provided in Table 1 shows benchmark exceedances included in the stormwater monitoring results that TTI has submitted to the WDOE.

23. TTI's stormwater discharges are causing or contributing to violations of water quality standards and therefore violate the Permits. Discharges from TTI's facility contribute to the polluted conditions of the waters of the State, including to the water quality standards of Elliott Bay. Discharges from TTI's facility contribute to the ecological impacts that result from

1 the pollution of these waters and to Soundkeeper and its members' injuries resulting therefrom.  
2 These requirements and TTI's violations thereof are described in detail in section I of the Notice  
3 Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference

4         24. TTI's exceedances of the benchmark values indicate that TTI is failing to apply  
5 AKART to its discharges and/or is failing to implement an adequate SWPPP and BMPs. TTI  
6 violated and continues to violate the Permits by not developing, modifying, and/or implementing  
7 BMPs and a SWPPP in accordance with the requirements of the Permits, and/or by not applying  
8 AKART to discharges from the facility. These requirements and TTI's violations thereof are  
9 described in detail in sections I and II of the Notice Letter, attached hereto as Exhibit 1, and are  
10 incorporated herein by this reference. As an example of TTI's ongoing violations, TTI's most  
11 recent SWPPP remains inadequate. For example, the SWPPP map fails to identify the discharge  
12 points in the facility's wharf, and the SWPPP fails to adequately document why applicable  
13 parameters are not sampled from each discharge point.  
14

15  
16         25. TTI has violated and continues to violate the monitoring requirements of the  
17 Permits. The monitoring requirements and TTI's violations thereof are described in section III  
18 of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.  
19 As an example of TTI's ongoing violations, TTI continues to fail to monitor stormwater  
20 discharges from each distinct point of discharge, including the discharge points from the drains  
21 and scuppers in its wharf.  
22

23  
24         26. TTI has not conducted and/or completed the corrective action responses as  
25 required by the Permits. These requirements of the Permits and TTI's violations thereof are  
26 described in section IV of the Notice Letter, attached hereto as Exhibit 1, and are incorporated  
27 herein by this reference.  
28

1           27.     Condition S8.B of the Permits require a permittee to undertake a Level 1  
 2 corrective action whenever it exceeds a benchmark value identified in Condition S5. A Level 1  
 3 corrective action comprises review of the SWPPP to ensure permit compliance, revisions to the  
 4 SWPPP to include additional operational source control BMPs with the goal of achieving the  
 5 applicable benchmark values in future discharges, signature and certification of the revised  
 6 SWPPP, summary of the Level 1 corrective action in the annual report, and full implementation  
 7 of the revised SWPPP as soon as possible, but no later than the DMR due date for the quarter the  
 8 benchmark was exceeded. Condition S8.A of the 2015 Permit requires that the permittee  
 9 implement any Level 1 corrective action required by the 2010 Permit.  
 10

11           28.     TTI triggered Level 1 corrective action requirements for each benchmark  
 12 exceedance identified in Table 1 above. TTI has violated and continues to violate the  
 13 requirements of the Permits described above by failing to conduct a Level 1 corrective action in  
 14 accordance with Permit conditions, including the required review, revision, and certification of  
 15 the SWPPP, the required implementation of additional BMPs, and the required summarization in  
 16 the annual report, each time since February 7, 2013, that its quarterly stormwater sampling  
 17 results were greater than a benchmark, including the benchmark excursions listed in Table 1  
 18 above. These corrective action requirements and TTI's violations thereof are described in  
 19 section IV.A of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by  
 20 this reference.  
 21

22           29.     Condition S8.C of the Permits require a permittee to undertake a Level 2  
 23 corrective action whenever it exceeds a benchmark value identified in Condition S5 during any  
 24 two quarters during a calendar year. A Level 2 corrective action comprises review of the  
 25 SWPPP to ensure permit compliance, revisions to the SWPPP to include additional structural  
 26  
 27  
 28

1 source control BMPs with the goal of achieving the applicable benchmark values in future  
2 discharges, signature and certification of the revised SWPPP, summary of the Level 2 corrective  
3 action in the annual report, and full implementation of the revised SWPPP as soon as possible,  
4 but no later than August 31st of the year following the triggering of the Level 2 corrective action.  
5 Condition S8.A of the 2015 Permit requires that the permittee implement any Level 2 corrective  
6 action required by the 2010 Permit.  
7

8 30. TTI triggered Level 2 corrective action requirements for each benchmark  
9 exceedance identified in Table 1 above that occurred in any two quarters of a calendar year. TTI  
10 has violated and continues to violate the requirements of the Permits described above by failing  
11 to conduct a Level 2 corrective action in accordance with Permit conditions, including the  
12 required review, revision, and certification of the SWPPP, the required implementation of  
13 additional structural source control BMPs, and the required summarization in the annual report,  
14 each time since February 7, 2013, that its quarterly stormwater sampling results were greater  
15 than a benchmark, for any two quarters during a calendar year, including the benchmark  
16 excursions listed in Table 1 above. These violations include, but are not limited to, TTI's failure  
17 to fulfill these obligations for turbidity triggered by its stormwater sampling during calendar  
18 years 2013, 2014, 2015, and 2016; for copper triggered by its stormwater sampling during  
19 calendar years 2013, 2014, 2015, and 2016; and for zinc triggered by its stormwater sampling  
20 during calendar years 2013, 2014, 2015, and 2016. These corrective action requirements and  
21 TTI's violations thereof are described in section IV.B of the Notice Letter, attached hereto as  
22 Exhibit 1, and are incorporated herein by this reference.  
23  
24  
25

26 31. Condition S8.D of the Permits require a permittee to undertake a Level 3  
27 corrective action whenever it exceeds a benchmark value identified in Condition S5 during any  
28

1 three quarters during a calendar year. A Level 3 corrective action comprises review of the  
2 SWPPP to ensure permit compliance, revisions to the SWPPP to include additional treatment  
3 BMPs and operational and/or structural source control BMPs if necessary, with the goal of  
4 achieving the applicable benchmark values in future discharges, signature and certification of the  
5 revised SWPPP, summary of the Level 3 corrective action in the annual report, and full  
6 implementation of the revised SWPPP as soon as possible, but no later than September 30th of  
7 the year following the triggering of the Level 3 corrective action. Condition S8.D also requires  
8 that before implementation of any BMPs that require site-specific design or sizing of structures,  
9 equipment, or processes, that the permittee submit an engineering report, plans, and  
10 specifications, and an operations and maintenance manual to WDOE for review, which must be  
11 submitted no later than May 15th prior to the Level 3 corrective action deadline. Condition S8.A  
12 of the 2015 Permit requires that the permittee implement any Level 3 corrective action required  
13 by the 2010 Permit.

14  
15  
16  
17 32. TTI triggered Level 3 corrective action requirements for each benchmark  
18 exceedance identified in Table 1 above that occurred in any three quarters of a calendar year.  
19 TTI has violated and continues to violate the requirements of the Permits described above by  
20 failing to conduct a Level 3 corrective action in accordance with Permit conditions, including the  
21 required review, revision, and certification of the SWPPP, including for example, additional  
22 operational and/or structural source control BMPs for the proper performance and maintenance  
23 of the currently installed stormwater treatment system, called the "Up-Flo" System. TTI also  
24 failed and continues to fail to meet additional Permit requirements for Level 3 corrective actions,  
25 including implementation of additional BMPs, the required submission of an engineering report  
26 and operations and maintenance manual, and the required summarization in the annual report,  
27  
28



1 each time since February 7, 2013, that its quarterly stormwater sampling results were greater  
2 than a benchmark for any three quarters during a calendar year, including the benchmark  
3 excursions listed in Table 1 above. These violations include, but are not limited to, TTI's failure  
4 to fulfill these obligations for copper triggered by its stormwater sampling during calendar year  
5 2016; and zinc triggered by its stormwater sampling during calendar year 2016. These corrective  
6 action requirements and TTI's violations thereof are described in section IV.C of the Notice  
7 Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.  
8

9 33. On November 18, 2011, WDOE issued Administrative Order #8864, which  
10 granted TTI's request for a modification of coverage under the General Permit, thereby  
11 extending the deadlines for the Level 3 correction action that TTI triggered in 2010 to September  
12 30, 2014. On April 9, 2014, WDOE issued Amended Administrative Order #10637, which upon  
13 TTI's second request for modification of coverage, amended Administrative Order #8864,  
14 extending the deadlines for the Level 3 corrective action that TTI triggered in 2010 to June 30,  
15 2015.  
16  
17

18 34. Condition S9.B of the Permits requires TTI to submit an accurate and complete  
19 annual report to WDOE no later than May 15<sup>th</sup> of each year that includes specific information.  
20 TTI has violated and continues to violate these requirements. TTI violated this condition by  
21 failing to include all of the required information in the annual reports it submitted for years 2013,  
22 2014, 2015, and 2016. These annual report requirements and TTI's violations thereof are  
23 described in section V of the Notice Letter, attached hereto as Exhibit 1, and are incorporated  
24 herein by this reference.  
25

26 35. Upon information and belief, TTI has failed to comply with recording and record  
27 keeping requirements of the Permits. These requirements and TTI's violations thereof are  
28

described in section VI of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.

36. Condition S9.E of the Permits requires TTI to take certain actions in the event TTI is unable to comply with any of the terms and conditions of the Permits which may endanger human health of the environment, including taking immediate action to minimize potential pollution and immediately notifying WDOE of the failure to comply, followed up with a written report to WDOE. These requirements and TTI's violations thereof are described in section VIII of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.

37. Each of TTI's violations of the Permit and the CWA are ongoing in that they are currently continuing or are likely to reoccur at least intermittently in the future.

37. A significant penalty should be imposed against TTI under the penalty factors set forth in 33 U.S.C. § 1319(d).

38. TTI's violations were avoidable had TTI been diligent in overseeing facility operations and maintenance.

39. TTI benefited economically as a consequence of its violations and failure to implement improvements at the facility.

40. TTI's violations caused and contributed to pollution in the water column and sediments of the receiving water, which may be ameliorated by an order from the Court requiring clean up or monitoring.

## VI. CAUSE OF ACTION

41. The preceding paragraphs and the allegations in sections I through VIII of the Notice Letter, attached hereto as Exhibit 1, are incorporated herein.

42. TTI's violations of its NPDES permits described herein and in the Notice Letter constitute violations of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, and violations of "effluent standard(s) or limitation(s)" as defined by Section 505 of the CWA, 33 U.S.C. § 1365.

43. The violations committed by TTI are ongoing, in that they are presently continuing or are reasonably likely to reoccur at least intermittently. Any and all additional violations of the Permits and the CWA which occur after those described in Soundkeeper's Notice Letter but before a final decision in this action should be considered continuing violations subject to this Complaint.

44. Without the imposition of appropriate civil penalties and the issuance of an injunction, TTI is likely to continue to violate the Permits and the CWA to the further injury of Soundkeeper, its members, and others.

45. A copy of this Complaint will be served upon the Attorney General of the United States and the Administrator of the USEPA as required by 33 U.S.C. § 1365(c)(3).

## **VII. RELIEF REQUESTED**

Wherefore, Soundkeeper respectfully requests that this Court grant the following relief:

A. Issue a declaratory judgment that TTI has violated and continues to be in violation of the Permits and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342;

B. Enjoin TTI from operating the facility in a manner that results in further violations of the Permits or the CWA;

C. Order TTI to immediately implement a SWPPP that is in compliance with the Permits;

1 D. Order TTI to allow Soundkeeper to participate in the development and  
2 implementation of TTI's SWPPP;

3 E. Order TTI to provide Soundkeeper, for a period beginning on the date of the  
4 Court's Order and running for four years after TTI achieves compliance with all of the  
5 conditions of the Permits, with copies of all reports and other documents which TTI submits to  
6 the USEPA or to the WDOE regarding TTI's coverage under the Permit at the time those  
7 documents are submitted to these agencies;

8 F. Order TTI to take specific actions to remediate the environmental harm caused by  
9 its violations;

10 G. Grant such other preliminary and/or permanent injunctive relief as Soundkeeper  
11 may from time to time request during the pendency of this case;

12 H. Order TTI to pay civil penalties of \$37,500.00 per day of violation for each  
13 violation committed by TTI through November 2, 2015 and to pay \$53,484 per day of violation  
14 for each violation committed by TTI after November 2, 2015 pursuant to Sections 309(d) and  
15 505(a) of the CWA, 33 U.S.C. §§ 1319(d) and 1365(a), and 40 C.F.R. § 19 and 19.4;

16 I. Award Soundkeeper its litigation expenses, including reasonable attorneys' and  
17 expert witness fees, as authorized by Section 505(d) of the CWA, 33 U.S.C. § 1365(d); and

18 J. Award such other relief as this Court deems appropriate.

19 RESPECTFULLY SUBMITTED this 12th day of April, 2018.

20 SMITH & LOWNEY, PLLC

21 By: s/Alyssa Englebrecht  
22 Alyssa Englebrecht, WSBA # 46773

23 By: s/Knoll Lowney  
24 Knoll Lowney, WSBA #23457

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alyssae@smithandlowney.com

*Attorneys for plaintiff Puget Soundkeeper Alliance*

# **Exhibit 1**

**SMITH & LOWNEY, P.L.L.C.**

2317 EAST JOHN STREET  
SEATTLE, WASHINGTON 98112  
(206) 860-2883, FAX (206) 860-4187

February 6, 2018

**Via Certified Mail - Return Receipt Requested**

Managing Agent  
Total Terminals International, LLC  
401 Alaskan Way S  
Seattle, WA 98104

**Re: NOTICE OF INTENT TO SUE UNDER THE CLEAN WATER ACT AND  
REQUEST FOR COPY OF STORMWATER POLLUTION PREVENTION  
PLAN**

Dear Managing Agent:

We represent Puget Soundkeeper Alliance (Soundkeeper), 130 Nickerson St., #107, Seattle, WA 98109, (206) 297-7002. Any response or correspondence related to this matter should be directed to us at the letterhead address. This letter is to provide you with sixty days notice of Soundkeeper's intent to file a citizen suit against Total Terminals International, LLC ("TTI") under section 505 of the Clean Water Act ("CWA"), 33 USC § 1365, for the violations described below. This letter is also a request for a copy of the complete and current stormwater pollution prevention plan ("SWPPP") required by TTI's National Pollution Discharge Elimination System ("NPDES") permit.

TTI was granted coverage on January 1, 2010 under the Washington Industrial Stormwater General Permit ("IGSP") issued by the Washington State Department of Ecology ("Ecology") on October 21, 2009, effective January 1, 2010, modified May 16, 2012, effective July 1, 2012, and set to expire on January 1, 2015, under NPDES Permit No. WAR-000465 (the "2010 Permit"). Ecology granted subsequent coverage under the current iteration of the ISGP, issued by Ecology on December 3, 2014, effective January 2, 2015, and set to expire on December 31, 2019 (the "2015 Permit") and maintains the same permit number, WAR-000465.

TTI has violated and continues to violate the CWA (see Sections 301 and 402 of the CWA, 33 USC §§ 1311 and 1342) and the terms and conditions of the 2010 Permit and 2015 Permit (collectively, "Permits") with respect to operations of, and discharges of stormwater and pollutants from its facility located at or about 401 Alaskan Way S, Seattle, Washington (the "facility") as described herein, to Elliot Bay, part of the Puget Sound. The facility subject to this notice includes any contiguous or adjacent properties owned or operated by TTI.

**I. COMPLIANCE WITH STANDARDS.**

**A. Violations of Water Quality Standards.**



Condition S10.A of the Permits prohibits discharges that cause or contribute to violations of water quality standards. Water quality standards are the foundation of the CWA and Washington's efforts to protect clean water. In particular, water quality standards represent the U.S. Environmental Protection Agency ("EPA") and Ecology's determination, based on scientific studies, of the thresholds at which pollution starts to cause significant adverse effects on fish or other beneficial uses. For each water body in Washington, Ecology designates the "beneficial uses" that must be protected through the adoption of water quality standards.

A discharger must comply with both narrative and numeric criteria water quality standards. WAC 173-201A-010; WAC 173-201A-510 ("No waste discharge permit can be issued that causes or contributes to a violation of water quality criteria, except as provided for in this chapter."). Narrative water quality standards provide legal mandates that supplement the numeric criteria. Furthermore, the narrative water quality standard applies with equal force even if Ecology has established a numeric water quality standard. Specifically, Condition S10.A of the Permits require that TTI's discharges not cause or contribute to an excursion of Washington State water quality standards.

TTI discharges to Elliot Bay. TTI discharges stormwater that contains elevated levels of turbidity, copper, and zinc, as indicated in the table of benchmark excursions below. These discharges cause and/or contribute to violations of water quality standards for aquatic life uses, shellfish harvest, recreational uses including primary contact, and miscellaneous uses including wildlife habitat, harvesting, commerce and navigation, boating, and aesthetic values in Elliot Bay and have occurred each and every day during the last five years on which there was 0.1 inch or more of precipitation, and continue to occur. *See* WAC 173-201A-610, WAC 173-201A-612. Precipitation data from that time period is appended to this notice of intent to sue and identifies these days.

**Table 1: Benchmark Exceedances- bold values indicate exceedances**

Quarter in which sample collected and monitoring location	Turbidity (Benchmark 25 NTU)	Cu Concentration (Benchmark 14 ug/L)	Zn Concentration (Benchmark 117 ug/L)
1st Quarter 2012			
4290*	<b>76</b>	<b>89</b>	<b>1400</b>
4320*	<b>33</b>	<b>33</b>	<b>720</b>
4358*	<b>39</b>	<b>19</b>	<b>360</b>
4495*	<b>350</b>	<b>81</b>	<b>1750</b>
2nd Quarter 2012			
4290	<b>63.2</b>	<b>16.4</b>	<b>275</b>
4320			<b>190</b>
4358		<b>15.1</b>	<b>200</b>
4th Quarter 2012			
1*	<b>254</b>	<b>63</b>	<b>810</b>
2*		<b>16</b>	<b>120</b>



3*	128	33	560
1st Quarter 2013			
1	87	39	480
2			180
3		21	340
2nd Quarter 2013			
1	66	23	350
2			
3	31.8	24	470
3rd Quarter 2013			
1		27.9	340
2	118.8	29.45	530
3		16.8	300
4th Quarter 2013			
1	38.5	20	310
2	279	47	1040
1st Quarter 2014			
1	43.6	16	310
2	72.2	15	270
2nd Quarter 2014			
1		16	190
2	26.2	17	400
3rd Quarter 2014			
2	37.55	25.5	295
4th Quarter 2014			
1			160
2	28.4		220
1st Quarter 2015			
1	33.5	17	340
2			190
2nd Quarter 2015			
4*		141	1710
3rd Quarter 2015			
2	227	60	720
4	52.8	40	600
4th Quarter 2015			
2			185
4	106	41	500
1st Quarter 2016			
1	45.9		280
2	29.35		205
4	147	46	620
2nd Quarter 2016			
1			170
2			135
4		22.9	200

3rd Quarter 2016			
1		16	250
2		18.6	261.5
4	53.25	49.75	620
4th Quarter 2016			
1			176
2			216
4		18.4	279
1st Quarter 2017			
1	25.5		236.5
2	58	20.8	310
4	106	41.9	514
2nd Quarter 2017			
1	28	14.6	194
2	44	18.6	242

\* 4290, 4320, 4358, 4495, 1, 2, 3, and 4 are TTI designations for its monitoring points

#### **B. Compliance with Standards.**

Condition S10.C of the Permits requires TTI to apply all known and reasonable methods of prevention, control and treatment (“AKART”) to all discharges, including preparation and implementation of an adequate SWPPP and best management practices (“BMPs”). This failure includes, but is not limited to, failure to install effective treatment BMPs and failure to adequately maintain those BMPs. TTI has violated and continues to violate these conditions by failing to apply AKART to its discharges or to implement an adequate SWPPP and BMPs as evidenced by the elevated levels of pollutants in its discharge indicated in the table above and as described below in this notice of intent to sue.

Condition S1.A of the Permits requires that all discharges and activities authorized be consistent with the terms and conditions of the permits. TTI has violated these conditions by discharging and acting inconsistent with the conditions of the Permits as described in this notice of intent to sue.

## **II. STORMWATER POLLUTION PREVENTION PLAN VIOLATIONS.**

TTI is in violation of the Permits’ SWPPP provisions as follows:

1. Condition S3.A.1 of the Permits requires TTI to develop and implement a SWPPP as specified. Condition S3.A.2 of the Permits require the SWPPP to specify BMPs necessary to provide AKART and ensure that discharges do not cause or contribute to violations of water quality standards. On information and belief, TTI has violated these requirements of the Permits each and every day during the last five years and continues to violate them as it has failed to prepare and/or implement a SWPPP that includes AKART BMPs and BMPs necessary to comply with state water quality standards.

2. Condition S3.A of the Permits requires TTI to have and implement a SWPPP that is consistent with permit requirements, fully implemented as directed by permit conditions, and updated as necessary to maintain compliance with permit conditions. On information and belief, TTI has violated these requirements of the Permits each and every day during the last five years and continues to violate them because its SWPPP is not consistent with permit requirements, has not been fully implemented and has not been updated as necessary.

3. The SWPPP fails to satisfy the requirements of Condition S3 of the Permits because it does not adequately describe BMPs. Condition S3.B.4 of the Permits require that the SWPPP include a description of the BMPs that are necessary for the facility to eliminate or reduce the potential to contaminate stormwater. Condition S3.A.3 of the Permits require that the SWPPP include BMPs consistent with approved stormwater technical manuals or document how stormwater BMPs included in the SWPPP are demonstratively equivalent to the practices contained in the approved stormwater technical manuals, including the proper selection, implementation, and maintenance of all applicable and appropriate BMPs. This includes the Stormwater Management Manual for the Western District of Washington, available at <http://www.ecy.wa.gov/programs/wq/stormwater/manual/2014SWMMWWinteractive/2014%20SWMMWW.htm> and the Washington State Marine Terminal AKART and ISGP Corrective Action Guidance Manual, available at <http://52.33.28.53:8004/programs/wq/stormwater/industrial/2014Dec.WASateMarineTerminalCorrectiveActionGuideManual.WPPA.pdf>. TTI's SWPPP does not comply with these requirements because it does not adequately describe BMPs and does not include BMPs consistent with approved stormwater technical manuals nor does it include BMPs that are demonstratively equivalent to such BMPs with documentation of BMP adequacy. For example, TTI's SWPPP does not include adequate maintenance BMPs for its "Up-Flo" System.

4. TTI's SWPPP fails to satisfy the requirements of Condition S3.B.2 of the Permits because it fails to include a facility assessment as mandated. The SWPPP fails to include an adequate facility assessment because it does not describe the industrial activities conducted at the site, the general layout of the facility including buildings and storage of raw materials, the flow of goods and materials through the facility, regular business hours and seasonal variations in business hours or in industrial activities as required.

5. TTI's SWPPP fails to satisfy the requirements of Condition S3.B.1 of the Permits because it does not include a site map that identifies significant features, the stormwater drainage and discharge structures, the stormwater drainage areas for each stormwater discharge point off-site, a unique identifying number for each discharge point, each sampling location with a unique identifying number, paved areas and buildings, areas of pollutant contact associated with specific industrial activities, conditionally approved non-stormwater discharges, surface water locations, areas of existing and potential soil erosion, vehicle maintenance areas, and lands and waters adjacent to the site that may be helpful in identifying discharge points or drainage routes.

6. TTI's SWPPP fails to comply with Condition S3.B.2.b of the Permits because it does not include an inventory of industrial activities that identifies all areas



associated with industrial activities that have been or may potentially be sources of pollutants as required. The SWPPP does not identify all areas associated with loading and unloading of dry bulk materials or liquids, outdoor storage of materials or products, outdoor manufacturing and processing, onsite dust or particulate generating processes, on-site waste treatment, storage, or disposal, vehicle and equipment fueling, maintenance, and/or cleaning, roofs or other surfaces exposed to air emissions from a manufacturing building or a process area, and roofs or other surfaces composed of materials that may be mobilized by stormwater as required by these conditions.

7. TTI's SWPPP does not comply with Condition S3.B.2.c of the Permits because it does not include an adequate inventory of materials. The SWPPP does not include an inventory of materials that lists the types of materials handled at the site that potentially may be exposed to precipitation or runoff and that could result in stormwater pollution, a short narrative for material describing the potential for the pollutants to be present in stormwater discharge that is updated when data becomes available to verify the presence or absence of the pollutants, a narrative description of any potential sources of pollutants from past activities, materials and spills that were previously handled, treated, stored, or disposed of in a manner to allow ongoing exposure to stormwater as required. The SWPPP does not include the method and location of on-site storage or disposal of such materials and a list of significant spills and significant leaks of toxic or hazardous pollutants as these permit conditions require.

8. TTI's SWPPP does not comply with Condition S3.B.3 of the Permits because it does not identify specific individuals by name or title whose responsibilities include SWPPP development, implementation, maintenance and modification.

9. Condition S3.B.4 of the 2010 Permit required that permittees include in their SWPPPs and implement certain mandatory BMPs no later than July 1, 2010 unless site conditions render the BMP unnecessary, infeasible, or an alternative and equally effective BMP is provided. Condition S3.B.4 of the 2015 Permit also requires that permittees include in their SWPPPs and implement mandatory BMPs subject to the same conditions. TTI is in violation of this requirement because it has failed to include in its SWPPP and implement the mandatory BMPs of the Permits.

10. TTI's SWPPP does not comply with Condition S3.B.4.b.i of the Permits because it does not include required operational source control BMPs in the following categories: good housekeeping (including definition of ongoing maintenance and cleanup of areas that may contribute pollutants to stormwater discharges, and a schedule/frequency for each housekeeping task); preventive maintenance (including BMPs to inspect and maintain stormwater drainage, source controls, treatment systems, and plant equipment and systems, and the schedule/frequency for each task); spill prevention and emergency cleanup plan (including BMPs to prevent spills that can contaminate stormwater, for material handling procedures, storage requirements, cleanup equipment and procedures, and spill logs); employee training (including an overview of what is in the SWPPP, how employees make a difference in complying with the SWPPP, spill response procedures, good housekeeping, maintenance requirements, and material management practices, how training will be

conducted, the frequency/schedule of training, and a log of the dates on which specific employees received training); inspections and recordkeeping (including documentation of procedures to ensure compliance with permit requirements for inspections and recordkeeping, identification of personnel who conduct inspections, provision of a tracking or follow-up procedure to ensure that a report is prepared and appropriate action taken in response to visual monitoring, definition of how TTI will comply with signature and record retention requirements, and certification of compliance with the SWPPP and Permit).

11. TTI's SWPPP does not comply with Condition S3.B.4.b.i.7 of the Permits because it does not include measures to identify and eliminate the discharge of process wastewater, domestic wastewater, noncontact cooling water, and other illicit discharges to stormwater sewers, or to surface waters and ground waters of the state.

12. TTI's SWPPP does not comply with Condition S3.B.4.b.ii of the Permits because it does not include required structural source control BMPs to minimize the exposure of manufacturing, processing, and material storage areas to rain, snow, snowmelt, and runoff. TTI's SWPPP does not comply with Condition S3.B.4.b.iii of the Permits because it does not include treatment BMPs as required.

13. TTI's SWPPP fails to comply with Condition S3.B.4.b.v of the Permits because it does not include BMPs to prevent the erosion of soils or other earthen materials and prevent off-site sedimentation and violations of water quality standards.

14. TTI's SWPPP fails to satisfy the requirements of Condition S3.B.5 of the Permits because it fails to include a stormwater sampling plan as required. The SWPPP does not include a sampling plan that: identifies points of discharge to surface waters, storm sewers, or discrete ground water infiltration locations; documents why each discharge point is not sampled; identifies each sampling point by its unique identifying number; identifies staff responsible for conducting stormwater sampling; specifies procedures for sampling collection and handling; specifies procedures for sending samples to the a laboratory; identifies parameters for analysis, holding times and preservatives, laboratory quantization levels, and analytical methods, and that specifies the procedure for submitting the results to Ecology.

### **III. MONITORING AND REPORTING VIOLATIONS.**

#### **A. Failure to Collect Quarterly Samples.**

Condition S4.B of the Permits requires TTI to collect a sample of its stormwater discharge once during every calendar quarter. Conditions S3.B.5.b and S4.B.2.c of the Permits require TTI to collect stormwater samples at each distinct point of discharge offsite except for substantially identical outfalls, in which case only one of the substantially identical outfalls must be sampled. These conditions set forth sample collection criteria, but require the collection of a sample even if the criteria cannot be met.

TTI violated these requirements by failing to collect stormwater samples at any of its discharge points during the third quarter of 2017.



TTI has also violated and continues to violate these conditions because it does not sample each distinct point of discharge off-site. These violations include but are not limited to failure to collect samples from discharge points located on the over-water portion of the facility during each and every calendar quarter for the last five years. These violations have occurred and continue to occur each and every quarter during the last five years that TTI was and is required to sample its stormwater discharges, including the quarters in which it collected stormwater discharge samples from some, but not each, point of discharge. These violations will continue until TTI commences monitoring all distinct points of discharge.

**B. Failure to Analyze Quarterly Samples.**

Condition S5.A.1 of the Permits requires TTI to analyze stormwater samples collected quarterly for turbidity, pH, total copper, and total zinc.

TTI violated these conditions by failing to analyze stormwater samples for the second quarter of 2015 from sampling point 1 for turbidity, pH, total copper, and total zinc.

**C. Failure to Timely Submit Discharge Monitoring Reports.**

Condition S9.A of the Permits requires TTI to use DMR forms provided or approved by Ecology to summarize, report and submit monitoring data to Ecology. For each monitoring period (calendar quarter) a DMR must be completed and submitted to Ecology not later than 45 days after the end of the monitoring period. TTI has violated these conditions by failing to submit a DMR within the time prescribed for the first quarter of 2013 and the second quarter of 2015.

**D. Failure to Comply with Visual Monitoring Requirements.**

Condition S7.A of the Permits requires that monthly visual inspection be conducted at the facility by qualified personnel. Each inspection is to include observations made at stormwater sampling locations and areas where stormwater associated with industrial activity is discharged, observations for the presence of floating materials, visible oil sheen, discoloration, turbidity, odor, etc. in the stormwater discharges, observations for the presence of illicit discharges, a verification that the descriptions of potential pollutant sources required by the permit are accurate, a verification that the site map in the SWPPP reflects current conditions, and an assessment of all BMPs that have been implemented (noting the effectiveness of the BMPs inspected, the locations of BMPs that need maintenance, the reason maintenance is needed and a schedule for maintenance, and locations where additional or different BMPs are needed).

Condition S7.C of the Permits requires that TTI record the results of each inspection in an inspection report or checklist that is maintained on-site and that documents the observations, verifications, and assessments required. The report/checklist must include the time and date of the inspection, the locations inspected, a statement that, in the judgment of the person conducting the inspection and the responsible corporate officer, the facility is

either in compliance or out of compliance with the SWPPP and the Permits, a summary report and schedule of implementation of the remedial actions that TTI plans to take if the site inspection indicates that the facility is out of compliance, the name, title, signature and certification of the person conducting the facility inspection, and a certification and signature of the responsible corporate officer or a duly authorized representative.

TTI is in violation of these requirements of Condition S7 of the Permits because, during the last five years, it has failed to conduct each of the requisite visual monitoring and inspections, failed to prepare and maintain the requisite inspection reports or checklists, and failed to make the requisite certifications and summaries.

#### **IV. CORRECTIVE ACTION VIOLATIONS.**

##### **A. Violations of the Level One Requirements.**

Condition S8.B of the Permits requires TTI take specified actions, called a “Level One Corrective Action,” each time quarterly stormwater sample results exceed a benchmark value or are outside the benchmark range for pH.

As described by Condition S8.B of the Permits, a Level One Corrective Action requires TTI: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the Permits and contains the correct BMPs from the applicable Stormwater Management Manual; (2) make appropriate revisions to the SWPPP to include additional operational source control BMPs with the goal of achieving the applicable benchmark values in future discharges and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the Permits; and (3) summarize the Level One Corrective Action in the Annual Report required under Condition S9.B of the Permits. Condition S8.B.4 of the Permits require TTI implement the revised SWPPP as soon as possible, and no later than the DMR due date for the quarter the benchmark was exceeded.

Condition S5.A and Table 2 of the Permits establishes the following benchmarks: turbidity 25 NTU; pH 5 – 9 SU; total copper 14 µg/L; and total zinc 117 µg/L.

TTI has violated the requirements of the Permits described above by failing to conduct a Level One Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs, and the required summarization in the annual report each time since January 1, 2013, its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH, including the benchmark excursions listed in Table 1 above.

##### **B. Violations of the Level Two Requirements.**

Condition S8.C of the Permits requires TTI take specified actions, called a “Level Two Corrective Action,” each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for pH for any two quarters during a calendar year.



As described by Condition S8.C of the Permits, a Level Two Corrective Action requires TTI: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the Permits; (2) make appropriate revisions to the SWPPP to include additional structural source control BMPs with the goal of achieving the applicable benchmark value(s) in future discharges and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the Permits; and (3) summarize the Level Two Corrective Action (planned or take) in the Annual Report required under Condition S9.B of the Permits. Condition S8.C.4 of the Permits require TTI implement the revised SWPPP according to condition S3 of the Permits and the applicable stormwater management manual as soon as possible, and no later than September 30th of the following year.

The Permits establish the benchmarks applicable to TTI described in section IV.A of this notice of intent to sue letter.

TTI has violated the requirements of the Permits described above by failing to conduct a Level Two Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs, including additional structural source control BMPs, and the required summarization in the annual report each time since January 1, 2013, its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH for any two quarters during a calendar year. As indicated in Table 1 above, these violations include, but are not limited to, TTI's failure to fulfill these obligations for: turbidity triggered by its stormwater sampling during calendar years 2013, 2014, 2015, 2016, and 2017; copper triggered by its stormwater sampling during calendar years 2013, 2014, 2015, 2016, and 2017; and zinc triggered by its stormwater sampling during calendar years 2013, 2014, 2015, 2016, and 2017.

### **C. Violations of the Level Three Requirements.**

Condition S8.D of the Permits requires TTI take specified actions, called a "Level Three Corrective Action," each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for pH for any three quarters during a calendar year.

As described by Condition S8.D of the Permits, a Level Three Corrective Action requires TTI: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the Permits; (2) make appropriate revisions to the SWPPP to include additional treatment BMPs with the goal of achieving the applicable benchmark value(s) in future discharges and additional operational and/or structural source control BMPs if necessary for proper function and maintenance of treatment BMPs, and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the Permits; and (3) summarize the Level Three Corrective Action (planned or take) in the Annual Report required under Condition S9.B of the Permits, including information on how monitoring, assessment, or evaluation information was (or will be) used to determine whether existing treatment BMPs will be modified/enhanced, or if new/additional treatment BMPs will be installed. Condition S8.D.2.b of the Permits require that a licensed professional engineer, geologist,



hydrogeologist, of certified professional in storm water quality must design and stamp the portion of the SWPPP that addresses stormwater treatment structures or processes.

Condition S8.D.3 of the Permits requires that, before installing BMPs that require the site-specific design or sizing of structures, equipment, or processes to collect, convey, treat, reclaim, or dispose of industrial stormwater, the TTI submit an engineering report, plans, and specifications, and an operations and maintenance manual to Ecology for review in accordance with chapter 173-204 of the Washington Administrative Code. The engineering report must be submitted no later than the May 15 prior to the Level Three Corrective Action Deadline. The plans and specifications and the operations and maintenance manual must be submitted to Ecology at least 30 days before construction/installation.

Condition S8.D.5 of the Permits requires TTI fully implement the revised SWPPP according to condition S3 of the Permits and the applicable stormwater management manual as soon as possible, and no later than September 30th of the following year.

The Permits establish the benchmarks applicable to TTI described in section IV.A of this notice of intent to sue letter.

TTI has violated the requirements of the Permits described above by failing to conduct a Level Three Corrective Action in accordance with permit conditions, including: the required review, revision and certification of the SWPPP, including for example, additional operational and/or structural source control BMPs for the proper performance and maintenance of the “Up-Flo” System; the requirement to have a specified professional design and stamp the portion of the SWPPP pertaining to treatment; the required implementation of additional BMPs, including additional treatment BMPs; the required submission of an engineering report, plans, specifications, and an operations and maintenance plan; and the required summarization in the annual report each time since January 1, 2012 its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH for any three quarters during a calendar year. As indicated in Table 1 above, these violations include, but are not limited to, TTI’s failure to fulfill these obligations for: copper triggered by its stormwater sampling during calendar year 2016; and zinc triggered by its stormwater sampling during calendar year 2016. TTI originally triggered a Level Three Corrective Action in calendar year 2010. Ultimately, TTI received an extension of time to June 30, 2015 for compliance with the Permits’ Level Three Corrective Action requirements via administrative order from Ecology (Order #8864, subsequently modified by Order #10637).

## **V. VIOLATIONS OF THE ANNUAL REPORT REQUIREMENTS.**

Condition S9.B of the Permits requires TTI to submit an accurate and complete annual report to Ecology no later than May 15 of each year. The annual report must include corrective action documentation as required in Condition S8.B – D of the Permits. If a corrective action is not yet completed at the time of submission of the annual report, TTI must describe the status of any outstanding corrective action. Specific information to be included in the annual report is identification of the conditions triggering the need for corrective action, description of the problem and identification of dates discovered, summary of any Level 1, 2,

or 3 corrective actions completed during the previous calendar year, including the dates corrective actions completed, and description of the status of any Level 2 or 3 corrective actions triggered during the previous calendar year, including identification of the date TTI expects to complete corrective actions.

TTI has violated this condition. The annual report submitted by TTI for the calendar year 2013 (in May 2014) does not include the required information. Specifically, the report does not describe all of the stormwater problems identified. The annual report submitted by TTI for the calendar year 2014 (in May 2015) does not include the required information. Specifically, the report does not describe any of the stormwater problems identified, and the description of TTI's planned Level 3 corrective action is inadequate. The annual report submitted by TTI for the calendar year 2015 (in May 2016) does not include the required information. Specifically, the report does not describe all of the stormwater problems identified. The annual report submitted for the calendar year 2016 (in May 2017) does not include the required information. Specifically, the report does not describe all of the stormwater problems identified. The report also does not adequately describe the Level 3 corrective action taken during this year or planned for calendar year 2017.

## **VI. VIOLATIONS OF THE RECORDKEEPING REQUIREMENTS.**

### **A. Failure to Record Information.**

Condition S4.B.3 of the Permits requires TTI record and retain specified information for each stormwater sample taken, including the sample date and time, a notation describing if TTI collected the sample within the first 30 minutes of stormwater discharge event, an explanation of why TTI could not collect a sample within the first 30 minutes of a stormwater discharge event, the sample location, method of sampling and of preservation, and the individual performing the sampling. Upon information and belief, TTI is in violation of these conditions as it has not recorded each of these specified items for each sample taken during the last five years.

### **B. Failure to Retain Records.**

Condition S9.C of the Permits requires TTI to retain for a minimum of five years a copy of the current Permit, a copy of TTI's coverage letter, records of all sampling information, inspection reports including required documentation, any other documentation of compliance with permit requirements, all equipment calibration records, all BMP maintenance records, all original recordings for continuous sampling instrumentation, copies of all laboratory results, copies of all required reports, and records of all data used to complete the application for the Permit. Upon information and belief, TTI is in violation of these conditions because it has failed to retain records of such information, reports, and other documentation during the last five years.

## **VIII. FAILURE TO REPORT PERMIT VIOLATIONS.**



Condition S9.E of the Permits requires TTI to take certain actions in the event TTI is unable to comply with any of the terms and conditions of the Permits which may endanger human health or the environment, or exceed any numeric effluent limitation in the permit. In such circumstances, TTI must immediately take action to minimize potential pollution or otherwise stop the noncompliance and correct the problem, and TTI must immediately notify the appropriate Ecology regional office of the failure to comply. TTI must then submit a detailed written report to Ecology, including specified details, within 5 days of the time TTI became aware of the circumstances unless Ecology requests an earlier submission.

On information and belief, TTI routinely violates these requirements, including each and every time TTI failed to comply with the corrective action requirements described in section IV of this Notice of Intent to Sue, and each and every time TTI discharged stormwater with concentrations of pollutants in excess of the Permits benchmarks, as described in Table 1, above. All these violations may endanger human health or the environment.

#### **IX. REQUEST FOR SWPPP.**

Pursuant to Condition S9.F of the 2015 Permit, Soundkeeper hereby requests that TTI provide a copy of, or access to, its SWPPP complete with all incorporated plans, monitoring reports, checklists, and training and inspection logs. The copy of the SWPPP and any other communications about this request should be directed to the undersigned at the letterhead address.

Should TTI fail to provide the requested complete copy of, or access to, its SWPPP as required by Condition S9.F of the 2015 Permit, it will be in violation of that condition, which violation shall also be subject to this notice of intent to sue and any ensuing lawsuit.

#### **X. CONCLUSION.**

The above-described violations reflect those indicated by the information currently available to Soundkeeper. These violations are ongoing. Soundkeeper intends to sue for all violations, including those yet to be uncovered and those committed after the date of this Notice of Intent to Sue.

Under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), each of the above-described violations subjects the violator to a penalty of up to \$37,500 per day for each violation that occurred through November 2, 2015, and \$52,414 per day for each violation that occurred thereafter. In addition to civil penalties, Soundkeeper will seek injunctive relief to prevent further violations under Sections 505(a) and (d) of the CWA, 33 U.S.C. § 1365(a) and (d), and such other relief as is permitted by law. Also, Section 505(d) of the CWA, 33 U.S.C. § 1365(d), permits prevailing parties to recover costs, including attorney's fees.

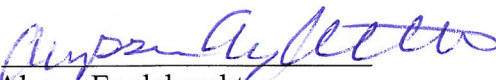
Soundkeeper believes that this NOTICE OF INTENT TO SUE sufficiently states grounds for filing suit. We intend, at the close of the 60-day notice period, or shortly

thereafter, to file a citizen suit against TTI under Section 505(a) of the Clean Water Act for violations.

During the 60-day notice period, we would be willing to discuss effective remedies for the violations addressed in this letter and settlement terms. If you wish to pursue such discussions in the absence of litigation, we suggest that you initiate those discussions within 10 days of receiving this notice so that a meeting can be arranged and so that negotiations may be completed promptly. We do not intend to delay the filing of a complaint if discussions are continuing when the notice period ends.

Very truly yours,

SMITH & LOWNEY, PLLC

By:   
Alyssa Englebrecht  
Knoll Lowney

cc: Scott Pruitt Administrator, U.S. EPA  
Chris Hladick, Region 10 Administrator, U.S. EPA  
Maia Bellon, Director, Washington Department of Ecology  
Fairchild Record Search, Ltd., Registered Agent (3400 Capitol Blvd SE, Tumwater, WA 98501)  
Michael Dunning, Perkins Coie LLP (1201 3rd Avenue, Suite 4900, Seattle, WA 98101)

**Precipitation Data**

2013	Precip. (in)	26	0.01	18	0
Feb	sum	27	0.32	19	0.37
6	0.08	28	0.25	20	0.72
7	0.09	2013	Precip. (in)	21	0.1
8	0	Mar	sum	22	0.01
9	0.01	1	0.04	23	0
10	0	2	0.21	24	0
11	0.01	3	0	25	0
12	0	4	0	26	0
13	0	5	0	27	0.01
14	0.03	6	0.61	28	0.06
15	0	7	0.26	29	0.01
16	0	8	0	30	0
17	0	9	0	31	0
18	0	10	0.01	2013	Precip. (in)
19	0	11	0.03	Apr	sum
20	0.07	12	0.01	1	0
21	0.01	13	0.15	2	0
22	0.34	14	0.05	3	0
23	0	15	0	4	0.41
24	0.02	16	0.04	5	0.44
25	0.14	17	0	6	0.44

**Precipitation Data**

7	0.96	29	0.15	19	0
8	0.04	30	0	20	0
9	0	2013	Precip. (in)	21	0.39
10	0.15	May	sum	22	0.21
11	0.09	1	0	23	0.08
12	0.18	2	0	24	0.02
13	0.31	3	0	25	0
14	0.06	4	0	26	0.08
15	0	5	0	27	0.2
16	0.07	6	0	28	0.01
17	0	7	0	29	0.17
18	0.18	8	0	30	0
19	0.67	9	0	31	0
20	0.01	10	0	2013	Precip. (in)
21	0.03	11	0	Jun	sum
22	0	12	0.08	1	0
23	0	13	0.11	2	0
24	0	14	0	3	0
25	0	15	0.03	4	0
26	0	16	0	5	0
27	0	17	0.02	6	0
28	0.08	18	0	7	0

**Precipitation Data**

8	0	30	0	20	0
9	0	2013	Precip. (in)	21	0
10	0	Jul	sum	22	0
11	0	1	0	23	0
12	0	2	0	24	0
13	0	3	0	25	0
14	0	4	0	26	0
15	0	5	0	27	0
16	0	6	0	28	0
17	0	7	0	29	0
18	0	8	0	30	0
19	0	9	0	31	0
20	0	10	0	2013	Precip. (in)
21	0.01	11	0	Aug	sum
22	0	12	0	1	0
23	0	13	0	2	0
24	0.01	14	0	3	0
25	0.01	15	0	4	0
26	0.56	16	0	5	0
27	0.13	17	0	6	0
28	0	18	0	7	0
29	0	19	0	8	0

**Precipitation Data**

9	0	31	0	20	0.15
10	0	2013	Precip. (in)	21	0.01
11	0	Sep	sum	22	0.37
12	0	1	0	23	0.08
13	0	2	0	24	0.01
14	0	3	0.12	25	0.04
15	0	4	0	26	0.01
16	0	5	0.46	27	0.05
17	0	6	1.08	28	1.21
18	0	7	0	29	0.62
19	0	8	0.01	30	0.63
20	0	9	0	2013	Precip. (in)
21	0	10	0	Oct	sum
22	0	11	0	1	0.08
23	0	12	0	2	0.19
24	0	13	0	3	0.02
25	0	14	0	4	0.01
26	0	15	0.21	5	0
27	0	16	0	6	0.04
28	0	17	0	7	0.1
29	0.38	18	0	8	0.39
30	0	19	0	9	0



**Precipitation Data**

10	0.03	2013	Precip. (in)	21	0
11	0.53	Nov	sum	22	0
12	0.06	1	0	23	0.08
13	0	2	0.38	24	0
14	0.01	3	0.02	25	0
15	0	4	0.01	26	0
16	0	5	0.05	27	0
17	0.01	6	0.09	28	0
18	0	7	0.94	29	0.01
19	0	8	0	30	0.06
20	0	9	0.09	2013	Precip. (in)
21	0	10	0	Dec	sum
22	0	11	0	1	0.03
23	0.01	12	0.14	2	0.11
24	0.01	13	0	3	0.01
25	0	14	0.01	4	0
26	0.01	15	0.08	5	0
27	0.06	16	0	6	0
28	0	17	0.05	7	0
29	0	18	0.8	8	0
30	0.01	19	0.11	9	0
31	0.01	20	0	10	0

**Precipitation Data**

11	0	Jan	sum	22	0
12	0.22	1	0.01	23	0
13	0.01	2	0.53	24	0
14	0	3	0.03	25	0
15	0.03	4	0	26	0
16	0	5	0	27	0
17	0	6	0	28	0.35
18	0.04	7	0.34	29	0.77
19	0	8	0.44	30	0.01
20	0.1	9	0.09	31	0.03
21	0.22	10	0.15	2014	Precip. (in)
22	0.21	11	0.91	Feb	sum
23	0.01	12	0.02	1	0.02
24	0	13	0.01	2	0
25	0	14	0	3	0
26	0	15	0	4	0
27	0.03	16	0	5	0
28	0	17	0	6	0
29	0	18	0	7	0
30	0.02	19	0	8	0.09
31	0.01	20	0	9	0.01
2014	Precip. (in)	21	0	10	0.54

**Precipitation Data**

11	0.75	3	0.37	25	0.22
12	0.14	4	0.41	26	0.06
13	0	5	1.44	27	0.03
14	0.41	6	0.21	28	0.51
15	0.51	7	0	29	0.63
16	1.41	8	1.12	30	0.02
17	0.44	9	0.26	31	0
18	0.62	10	0.44	2014	Precip. (in)
19	0.02	11	0	Apr	sum
20	0.03	12	0	1	0
21	0.23	13	0	2	0
22	0.09	14	0.11	3	0.11
23	0.18	15	0.2	4	0
24	0.39	16	1.09	5	0.08
25	0	17	0.01	6	0
26	0	18	0.01	7	0
27	0	19	0	8	0.37
28	0	20	0	9	0.01
2014	Precip. (in)	21	0	10	0
Mar	sum	22	0	11	0
1	0.01	23	0	12	0
2	0.7	24	0	13	0

**Precipitation Data**

14	0	4	0.26	26	0.01
15	0.01	5	0.24	27	0
16	0.41	6	0	28	0.03
17	0.7	7	0	29	0
18	0	8	0.32	30	0
19	0.36	9	0.07	31	0
20	0	10	0	2014	Precip. (in)
21	0.14	11	0.01	Jun	sum
22	0.53	12	0	1	0
23	0.22	13	0	2	0
24	0.3	14	0	3	0
25	0.05	15	0	4	0
26	0.18	16	0	5	0
27	0	17	0	6	0
28	0	18	0.04	7	0
29	0	19	0	8	0
30	0	20	0	9	0
2014	Precip. (in)	21	0	10	0
May	sum	22	0	11	0
1	0	23	0.16	12	0
2	0	24	0	13	0.03
3	1.19	25	0.27	14	0

**Precipitation Data**

15	0.01	5	0	27	0
16	0.11	6	0	28	0
17	0.05	7	0	29	0
18	0	8	0	30	0
19	0	9	0	31	0
20	0	10	0	2014	Precip. (in)
21	0	11	0	Aug	sum
22	0	12	0	1	0
23	0	13	0	2	0
24	0	14	0	3	0
25	0	15	0	4	0
26	0	16	0	5	0
27	0	17	0	6	0
28	0	18	0	7	0
29	0	19	0	8	0
30	0	20	0	9	0
2014	Precip. (in)	21	0	10	0
Jul	sum	22	0	11	0
1	0	23	0	12	0
2	0	24	0	13	0
3	0	25	0	14	0
4	0	26	0	15	0

**Precipitation Data**

16	0	5	0	27	0
17	0	6	0	28	0
18	0	7	0	29	0
19	0	8	0	30	0
20	0	9	0	2014	Precip. (in)
21	0	10	0	Oct	sum
22	0	11	0	1	0
23	0	12	0	2	0
24	0	13	0	3	0
25	0	14	0	4	0
26	0	15	0	5	0
27	0	16	0	6	0
28	0	17	0	7	0
29	0	18	0	8	0
30	0	19	0	9	0
31	0	20	0	10	0
2014	Precip. (in)	21	0	11	0
Sep	sum	22	0	12	0
1	0	23	0	13	0
2	0	24	0.66	14	0.11
3	0	25	0.27	15	0.45
4	0	26	0.09	16	0

**Precipitation Data**

17	0.14	6	0.22	28	1.39
18	0.31	7	0	29	0.06
19	0	8	0	30	0
20	0.44	9	0.29	2014	Precip. (in)
21	0.1	10	0	Dec	sum
22	1.43	11	0	1	0
23	0.35	12	0	2	0
24	0.13	13	0	3	0
25	0.37	14	0	4	0.05
26	0.05	15	0	5	0.09
27	0.01	16	0	6	0.25
28	0.34	17	0	7	0
29	0.04	18	0	8	0.45
30	0.67	19	0	9	0.42
31	0.77	20	0.11	10	0.5
2014	Precip. (in)	21	0.67	11	0.33
Nov	sum	22	0.03	12	0
1	0	23	0.42	13	0.01
2	0.11	24	0.01	14	0
3	0.24	25	0.33	15	0
4	0.05	26	0.01	16	0
5	0.27	27	0.04	17	0.16

**Precipitation Data**

18	0.6	7	0	29	0
19	0.13	8	0	30	0
20	0.6	9	0.01	31	0
21	0	10	0.18	2015	Precip. (in)
22	0	11	0.06	Feb	sum
23	0.61	12	0	1	0.04
24	0.12	13	0	2	0.3
25	0	14	0	3	0.03
26	0	15	0.43	4	0.3
27	0.12	16	0	5	0.87
28	0.06	17	0.76	6	0.75
29	0	18	0.23	7	0.82
30	0	19	0.03	8	0.15
31	0	20	0	9	0.15
2015	Precip. (in)	21	0	10	0.02
Jan	sum	22	0.03	11	0
1	0	23	0.08	12	0.02
2	0.03	24	0.02	13	0
3	0	25	0.01	14	0.05
4	0.22	26	0	15	0
5	0.07	27	0.02	16	0
6	0.01	28	0	17	0



**Precipitation Data**

18	0	10	0	2015	Precip. (in)
19	0.03	11	0.09	Apr	sum
20	0.02	12	0	1	0.05
21	0	13	0.04	2	0
22	0	14	0.54	3	0.05
23	0	15	2.2	4	0
24	0	16	0	5	0
25	0.07	17	0.03	6	0
26	0.22	18	0	7	0.01
27	0.73	19	0.01	8	0
28	0	20	0.12	9	0
2015	Precip. (in)	21	0.13	10	0.52
Mar	sum	22	0.07	11	0.02
1	0	23	0.2	12	0
2	0	24	0.27	13	0.46
3	0	25	0.15	14	0.05
4	0	26	0	15	0
5	0	27	0.01	16	0
6	0	28	0	17	0
7	0	29	0	18	0
8	0	30	0.02	19	0
9	0	31	0.31	20	0

**Precipitation Data**

21	0.16	11	0	Jun	sum
22	0	12	0.11	1	0.09
23	0.1	13	0.14	2	0
24	0.15	14	0	3	0
25	0.01	15	0.01	4	0
26	0	16	0	5	0
27	0	17	0	6	0
28	0.11	18	0	7	0
29	0.01	19	0	8	0
30	0	20	0	9	0
2015	Precip. (in)	21	0	10	0
May	sum	22	0	11	0
1	0	23	0	12	0
2	0	24	0	13	0
3	0	25	0	14	0
4	0	26	0	15	0
5	0.18	27	0	16	0
6	0	28	0	17	0
7	0	29	0	18	0
8	0	30	0	19	0.07
9	0	31	0	20	0
10	0	2015	Precip. (in)	21	0

**Precipitation Data**

22	0	12	0	1	0
23	0	13	0	2	0
24	0	14	0	3	0
25	0	15	0	4	0
26	0	16	0	5	0
27	0	17	0	6	0
28	0	18	0	7	0
29	0.01	19	0	8	0
30	0	20	0	9	0
2015	Precip. (in)	21	0.13	10	0
Jul	sum	22	0	11	0
1	0	23	0	12	0.04
2	0	24	0.01	13	0
3	0	25	0.02	14	0.57
4	0	26	0.1	15	0
5	0	27	0.01	16	0
6	0	28	0	17	0
7	0	29	0	18	0
8	0	30	0	19	0
9	0	31	0	20	0
10	0	2015	Precip. (in)	21	0
11	0	Aug	sum	22	0

**Precipitation Data**

23	0	12	0	2	0
24	0	13	0.03	3	0
25	0	14	0	4	0
26	0	15	0	5	0
27	0	16	0.04	6	0.01
28	0.01	17	0.58	7	0.38
29	0.18	18	0.01	8	0
30	0.24	19	0	9	0.01
31	0.06	20	0.09	10	0.77
2015	Precip. (in)	21	0	11	0
Sep	sum	22	0	12	0.34
1	0.17	23	0	13	0.07
2	0.02	24	0	14	0
3	0	25	0.03	15	0
4	0	26	0	16	0.01
5	0.06	27	0	17	0.04
6	0.19	28	0	18	0.16
7	0	29	0	19	0
8	0	30	0	20	0
9	0	2015	Precip. (in)	21	0
10	0.01	Oct	sum	22	0.01
11	0	1	0.01	23	0

**Precipitation Data**

24	0.01	13	1.31	3	0.52
25	0.35	14	1.64	4	0.12
26	0.09	15	0.75	5	0.81
27	0.01	16	0.09	6	0.55
28	0.1	17	0.74	7	1.06
29	0.02	18	0.03	8	1.51
30	0.36	19	0.08	9	0.56
31	0.99	20	0	10	0.63
2015	Precip. (in)	21	0	11	0.01
Nov	sum	22	0	12	0.56
1	0.5	23	0.12	13	0.11
2	0.07	24	0.21	14	0
3	0.07	25	0	15	0.02
4	0	26	0	16	0.13
5	0.01	27	0	17	0.82
6	0.01	28	0	18	0.54
7	0.49	29	0	19	0.01
8	0.38	30	0.01	20	0.19
9	0.16	2015	Precip. (in)	21	0.83
10	0.06	Dec	sum	22	0.12
11	0.05	1	0.39	23	0.09
12	0.24	2	0.06	24	0.11

**Precipitation Data**

25	0.05	14	0	3	0.48
26	0	15	0.04	4	0.05
27	0.32	16	0.41	5	0.15
28	0.03	17	0.32	6	0
29	0	18	0.05	7	0
30	0	19	0.46	8	0
31	0	20	0.2	9	0
2016	Precip. (in)	21	1.27	10	0.16
Jan	sum	22	0.27	11	0.37
1	0	23	0.53	12	0.86
2	0	24	0	13	0.36
3	0.01	25	0	14	0
4	0.07	26	0.27	15	0.12
5	0.11	27	0.8	16	0.01
6	0	28	0.52	17	0.46
7	0	29	0.18	18	0.12
8	0	30	0.02	19	0.49
9	0	31	0	20	0
10	0	2016	Precip. (in)	21	0.07
11	0.09	Feb	sum	22	0.01
12	0.52	1	0.25	23	0
13	0.57	2	0.02	24	0.02

**Precipitation Data**

25	0	16	0	5	0
26	0.15	17	0	6	0
27	0.08	18	0	7	0
28	0.68	19	0	8	0
29	0.12	20	0.08	9	0
2016	Precip. (in)	21	0.28	10	0
Mar	sum	22	0.01	11	0
1	0.71	23	0.13	12	0.44
2	0.27	24	0	13	0
3	0.03	25	0	14	0.2
4	0.21	26	0.04	15	0
5	0.2	27	0.48	16	0
6	0.39	28	0	17	0
7	0.26	29	0	18	0
8	0.03	30	0	19	0
9	0.97	31	0	20	0
10	0.32	2016	Precip. (in)	21	0
11	0.35	Apr	sum	22	0.02
12	0.2	1	0	23	0.02
13	0.52	2	0	24	0.27
14	0.06	3	0.12	25	0.1
15	0	4	0.17	26	0

**Precipitation Data**

27	0	17	0	6	0
28	0	18	0	7	0
29	0.04	19	0.22	8	0
30	0	20	0	9	0.06
2016	Precip. (in)	21	0.04	10	0.01
May	sum	22	0	11	0.1
1	0	23	0	12	0
2	0	24	0	13	0
3	0	25	0	14	0.05
4	0	26	0	15	0
5	0	27	0.02	16	0
6	0	28	0.03	17	0.22
7	0	29	0	18	0.16
8	0.02	30	0	19	0
9	0	31	0	20	0.29
10	0	2016	Precip. (in)	21	0.34
11	0	Jun	sum	22	0
12	0	1	0	23	0.34
13	0	2	0	24	0.09
14	0	3	0	25	0
15	0	4	0	26	0
16	0	5	0	27	0



**Precipitation Data**

28	0	18	0	7	0.03
29	0	19	0	8	0
30	0	20	0	9	0
2016	Precip. (in)	21	0	10	0
Jul	sum	22	0.21	11	0
1	0	23	0	12	0
2	0	24	0	13	0
3	0	25	0	14	0
4	0	26	0	15	0
5	0	27	0	16	0
6	0	28	0	17	0
7	0.06	29	0	18	0
8	0.14	30	0	19	0
9	0.07	31	0	20	0
10	0	2016	Precip. (in)	21	0
11	0	Aug	sum	22	0
12	0	1	0	23	0
13	0	2	0	24	0
14	0	3	0	25	0
15	0	4	0	26	0
16	0	5	0	27	0
17	0	6	0	28	0

**Precipitation Data**

29	0	18	0	8	0.59
30	0	19	0.01	9	0.27
31	0	20	0	10	0
2016	Precip. (in)	21	0	11	0
Sep	sum	22	0	12	0
1	0	23	0	13	1.62
2	0	24	0	14	1.46
3	0	25	0	15	0.84
4	0	26	0	16	0.51
5	0	27	0	17	0.04
6	0	28	0	18	0.13
7	0.02	29	0	19	0.16
8	0	30	0	20	1.19
9	0	2016	Precip. (in)	21	0.01
10	0	Oct	sum	22	0.01
11	0	1	0.1	23	0.14
12	0	2	0	24	0.13
13	0	3	0.01	25	0.02
14	0	4	0.1	26	1.46
15	0	5	0.04	27	0.07
16	0	6	0.26	28	0.01
17	0.09	7	0.16	29	0.17

**Precipitation Data**

30	0.22	19	0.09	9	0.29
31	0.58	20	0.11	10	0.21
2016	Precip. (in)	21	0.03	11	0.06
Nov	sum	22	0.52	12	0.02
1	0.3	23	0.26	13	0
2	0.45	24	1.16	14	0
3	0.03	25	0.04	15	0
4	0	26	0.52	16	0
5	0.94	27	0.42	17	0
6	0.21	28	0	18	0
7	0.05	29	0.05	19	0.48
8	0	30	0.2	20	0.01
9	0.19	2016	Precip. (in)	21	0
10	0	Dec	sum	22	0.36
11	0	1	0	23	0.61
12	0.06	2	0.2	24	0
13	0.25	3	0.06	25	0
14	0.21	4	0.17	26	0.39
15	0.97	5	0.23	27	0
16	0	6	0	28	0
17	0	7	0	29	0.12
18	0	8	0.04	30	0.07

**Precipitation Data**

31	0	20	0	9	1.57
2017	Precip. (in)	21	0.04	10	0.06
Jan	sum	22	0.12	11	0.01
1	0.16	23	0	12	0
2	0	24	0	13	0
3	0	25	0	14	0.22
4	0	26	0	15	1.62
5	0	27	0	16	0.46
6	0	28	0	17	0
7	0	29	0	18	0.13
8	0.56	30	0	19	0.12
9	0.06	31	0.01	20	0.2
10	0.1	2017	Precip. (in)	21	0.22
11	0	Feb	sum	22	0.01
12	0	1	0	23	0.03
13	0	2	0	24	0
14	0	3	0.65	25	0
15	0	4	0.71	26	0.26
16	0	5	0.68	27	0.46
17	1.52	6	0.4	28	0
18	1.21	7	0	2017	Precip. (in)
19	0.13	8	0.74	Mar	sum

**Precipitation Data**

1	0	23	0.18	12	0.83
2	0.07	24	0.52	13	0.18
3	0.59	25	0.01	14	0.02
4	0.03	26	0.31	15	0
5	0.11	27	0.06	16	0
6	0	28	0.07	17	0.06
7	0.46	29	0.44	18	0.22
8	0.03	30	0.01	19	0.36
9	0.53	31	0	20	0.02
10	0.02	2017	Precip. (in)	21	0
11	0.28	Apr	sum	22	0.13
12	0.02	1	0.04	23	0.21
13	0.51	2	0.07	24	0.02
14	0.35	3	0	25	0.01
15	0.72	4	0.07	26	0.04
16	0	5	0.53	27	0.02
17	0.76	6	0.27	28	0.06
18	0.48	7	0.35	29	0.06
19	0	8	0.08	30	0.05
20	0	9	0	2017	Precip. (in)
21	0.17	10	0.36	May	sum
22	0	11	0	1	0.07



**Precipitation Data**

2	0.09	24	0	13	0
3	0.23	25	0	14	0
4	0.27	26	0	15	0.9
5	0.18	27	0	16	0
6	0.44	28	0	17	0
7	0	29	0	18	0.01
8	0	30	0	19	0
9	0	31	0.03	20	0
10	0	2017	Precip. (in)	21	0
11	0.38	Jun	sum	22	0
12	0.18	1	0.02	23	0
13	0.09	2	0	24	0
14	0.01	3	0	25	0
15	0.28	4	0	26	0
16	0.14	5	0	27	0
17	0	6	0	28	0
18	0	7	0	29	0
19	0	8	0.29	30	0
20	0	9	0	2017	Precip. (in)
21	0	10	0	Jul	sum
22	0	11	0	1	0
23	0	12	0	2	0

**Precipitation Data**

3	0	25	0	14	0
4	0	26	0	15	0
5	0	27	0	16	0
6	0	28	0	17	0
7	0	29	0	18	0
8	0	30	0	19	0
9	0	31	0	20	0
10	0	2017	Precip. (in)	21	0
11	0	Aug	sum	22	0
12	0	1	0	23	0
13	0	2	0	24	0
14	0	3	0	25	0
15	0	4	0	26	0
16	0	5	0	27	0
17	0	6	0	28	0
18	0	7	0	29	0
19	0	8	0	30	0
20	0	9	0	31	0
21	0	10	0	2017	Precip. (in)
22	0	11	0	Sep	sum
23	0	12	0	1	0
24	0	13	0.02	2	0

**Precipitation Data**

3	0	25	0.02	15	0
4	0	26	0	16	0
5	0	27	0	17	0.05
6	0	28	0	18	0.94
7	0	29	0.04	19	0.46
8	0	30	0.03	20	0.11
9	0	2017	Precip. (in)	21	0.17
10	0	Oct	sum	22	0.06
11	0	1	0	23	0
12	0	2	0	24	0
13	0	3	0	25	0
14	0	4	0	26	0
15	0	5	0	27	0
16	0	6	0	28	0
17	0.06	7	0.07	29	0
18	0.11	8	0	30	0
19	0.29	9	0	31	0
20	0.04	10	0.01	2017	Precip. (in)
21	0	11	0	Nov	sum
22	0	12	0.13	1	0
23	0	13	0.02	2	0.07
24	0	14	0	3	0

**Precipitation Data**

4	0.01	26	0.19	16	0.1
5	0	27	0	17	0.01
6	0	28	0.57	18	0.68
7	0	29	0.01	19	1.15
8	0.11	30	0.26	20	0.07
9	0.27	2017	Precip. (in)	21	0
10	0	Dec	sum	22	0.06
11	0.13	1	0.21	23	0
12	0.57	2	0.61	24	0.11
13	0.4	3	0.04	25	0.07
14	0.07	4	0	26	0
15	0.64	5	0	27	0
16	0.08	6	0	28	0.09
17	0	7	0	29	1.37
18	0	8	0	30	0.08
19	0.38	9	0	31	0
20	0.49	10	0	2018	Precip. (in)
21	1.26	11	0	Jan	sum
22	0.56	12	0	1	0
23	0.1	13	0	2	0
24	0	14	0	3	0
25	0.22	15	0.02	4	0.13

**Precipitation Data**

5	0.39	27	0.55
6	0.23	28	0.04
7	0.4	29	0.89
8	0.1	30	0
9	0.3	31	0
10	0.09	2018	Precip. (in)
11	0.88	Feb	sum
12	0.1	1	0.57
13	0	2	0.02
14	0	3	0.11
15	0.07	4	0.02
16	0.18	5	0
17	0.38	6	0
18	0.67		
19	0.02		
20	0.05		
21	0.22		
22	0.14		
23	0.8		
24	0.39		
25	0.12		
26	0.18		